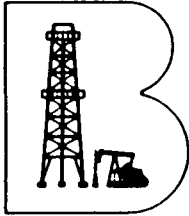


003



Berry Petroleum Company

Brundage Canyon Field

1614 South 2000 West

Rt. 3 Box 3020

Roosevelt, UT 84066

Ph. (435) 722-1325

Fax: (435) 722-1321

www.bry.com

May 27, 2005

State Of Utah
Division of Oil, Gas & Mining
1594 W. North Temple,
Suite 1210 Box 145801
Salt Lake City, Utah 84114-5801

Re: Application for Permit to Drill

Attached please find one (1) original copy of an *Application for Permit to Drill* on the following locations:

MOON TRIBAL 4-23-54
MOON TRIBAL 5-27-54
MOON TRIBAL 13-27-54
UTE TRIBAL 2-32-54
UTE TRIBAL 11-4-55 ✓

Thank you,

Debbie L. Wisener
Production & Regulatory Technician

cc: Dennis Ingram, Roosevelt, Utah Office
Bureau of Indian Affairs
Ute Indian Tribe
Bureau of Land Management

RECEIVED

MAY 31 2005

DIV. OF OIL, GAS & MINING

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

FORM 3

AMENDED REPORT ☐
(highlight changes)

001

APPLICATION FOR PERMIT TO DRILL

1A. TYPE OF WORK: DRILL <input checked="" type="checkbox"/> REENTER <input type="checkbox"/> DEEPEN <input type="checkbox"/>		5. MINERAL LEASE NO: 14-20-H62-4778 (E&D)	6. SURFACE: INDIAN
B. TYPE OF WELL: OIL <input checked="" type="checkbox"/> GAS <input type="checkbox"/> OTHER _____ SINGLE ZONE <input checked="" type="checkbox"/> MULTIPLE ZONE <input type="checkbox"/>		7. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE	
2. NAME OF OPERATOR: BERRY PETROLEUM COMPANY		8. UNIT or CA AGREEMENT NAME:	
3. ADDRESS OF OPERATOR: RT. 3 BOX 3020 CITY ROOSEVELT STATE UTAH ZIP 84066		PHONE NUMBER: (435)722-1325	9. WELL NAME and NUMBER: UTE TRIBAL 11-4-55
4. LOCATION OF WELL (FOOTAGES) AT SURFACE: 2003' FSL, 1814' FWL 546480X 4435864Y AT PROPOSED PRODUCING ZONE: SAME AS ABOVE		10. FIELD AND POOL, OR WILDCAT: WILDCAT	
11. QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: (NE/SW) SEC. 4, T.5S., R.5W. U.S.B.&M.		12. COUNTY: DUCHESNE	
13. STATE: UTAH		14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE: 39.3 MILES FROM MYTON, UTAH	
15. DISTANCE TO NEAREST PROPERTY OR LEASE LINE (FEET) 1814'	16. NUMBER OF ACRES IN LEASE: 640	17. NUMBER OF ACRES ASSIGNED TO THIS WELL: 40	
18. DISTANCE TO NEAREST WELL (DRILLING, COMPLETED, OR APPLIED FOR) ON THIS LEASE (FEET) N/A	19. PROPOSED DEPTH: 6355'	20. BOND DESCRIPTION: RLB0005651	
21. ELEVATIONS (SHOW WHETHER DF, RT, GR, ETC.): 6917' GR	22. APPROXIMATE DATE WORK WILL START: REFER TO BPC SOP PLAN	23. ESTIMATED DURATION: REFER TO BPC SOP PLAN	

PROPOSED CASING AND CEMENTING PROGRAM

SIZE OF HOLE	CASING SIZE, GRADE, AND WEIGHT PER FOOT	SETTING DEPTH	CEMENT TYPE, QUANTITY, YIELD, AND SLURRY WEIGHT
REFER TO BERRY PETROLEUM COMPANY SOP'S DRILLING PROGRAM/CASING DESIGN			
RECEIVED			
MAY 31 2005			

ATTACHMENTS

DIV. OF OIL, GAS & MINING

VERIFY THE FOLLOWING ARE ATTACHED IN ACCORDANCE WITH THE UTAH OIL AND GAS CONSERVATION GENERAL RULES:

- ☒ WELL PLAT OR MAP PREPARED BY LICENSED SURVEYOR OR ENGINEER
☒ EVIDENCE OF DIVISION OF WATER RIGHTS APPROVAL FOR USE OF WATER

- ☒ COMPLETE DRILLING PLAN (BPC SOP ON FILE WITH STATE)
☐ FORM 5, IF OPERATOR IS PERSON OR COMPANY OTHER THAN THE LEASE OWNER

NAME (PLEASE PRINT) DEBBIE L. WISENER

TITLE PRODUCTION & REGULATORY TECHNICIAN

SIGNATURE

DATE 05/26/05

(This space for State use only)

API NUMBER ASSIGNED:

43-013-32799

APPROVAL:

Approved by the
Utah Division of
Oil, Gas and Mining

Date:

By:

(11/2001)

Federal Approval of this
Action is Necessary

(See Instructions on Reverse Side)

Date: 06-14-05
By: [Signature]

T5S, R5W, U.S.B.&M.

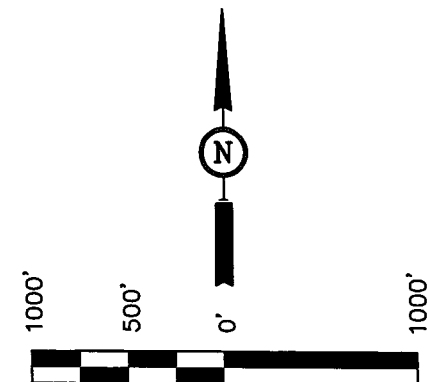
Sec. 33

BERRY PETROLEUM COMPANY

Well location, UTE TRIBAL #11-4-55, located as shown in the NE 1/4 SW 1/4 of Section 4, T5S, R5W, U.S.B.&M. Duchesne County, Utah.

BASIS OF ELEVATION

BENCH MARK (M67) LOCATED IN THE SW 1/4 OF SECTION 9, T5S, R4W, U.S.B.&M. TAKEN FROM THE DUCHESNE SE QUADRANGLE, UTAH, DUCHESNE COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED ON CAP AS BEING 6097 FEET.



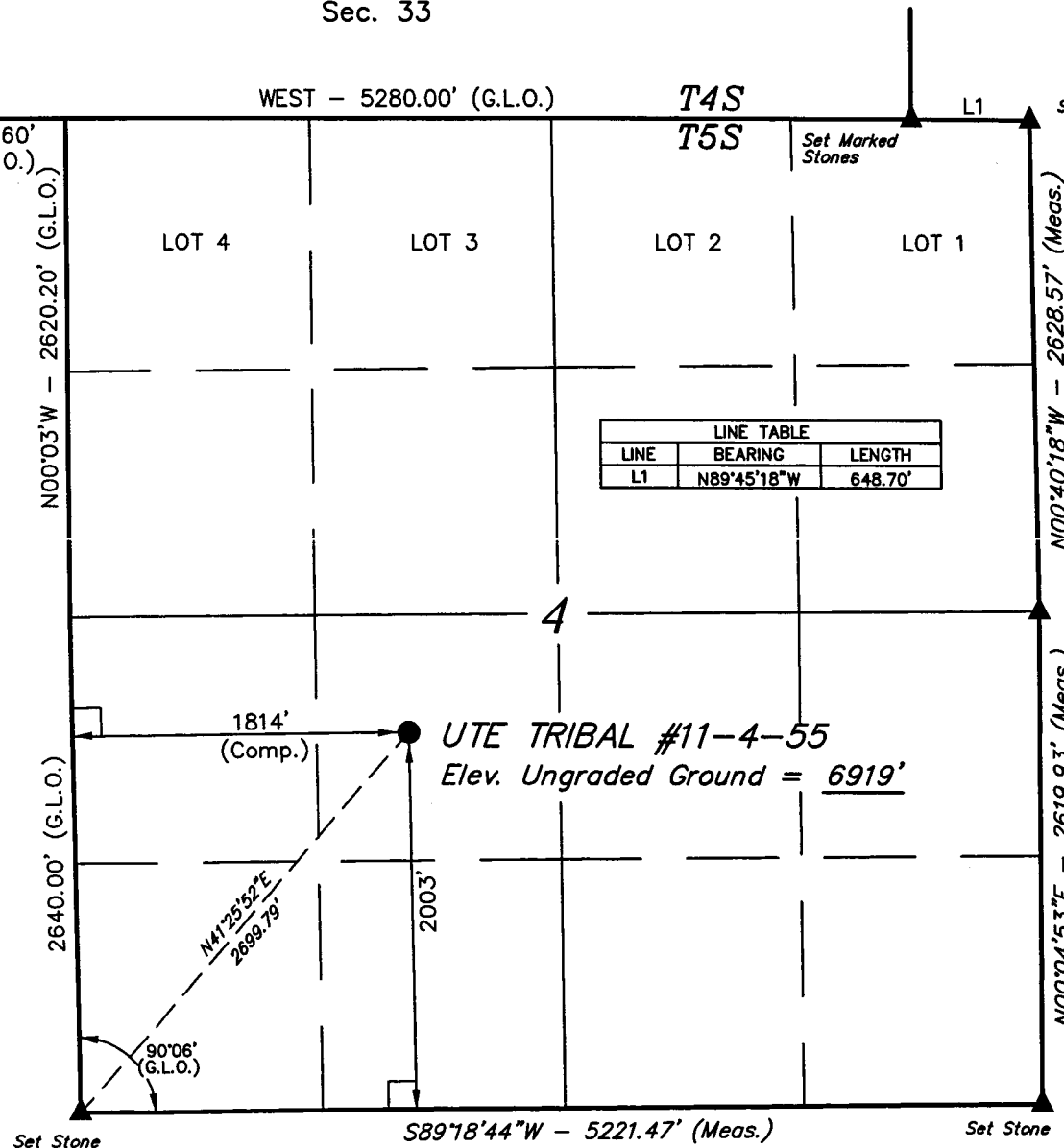
THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 161319
STATE OF UTAH

UINTAH ENGINEERING & LAND SURVEYING
85 SOUTH 200 EAST - VERNAL, UTAH 84078
(435) 789-1017

SCALE 1" = 1000'		DATE SURVEYED: 07-19-04	DATE DRAWN: 08-10-04
PARTY S.H.	L.M.	D.R.B.	REFERENCES G.L.O. PLAT
WEATHER WARM		FILE BERRY PETROLEUM COMPANY	

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°45'18"W	648.70'



BASIS OF BEARINGS

BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

(NAD 27)
LATITUDE = 40°04'24.69" (40.073525)
LONGITUDE = 110°27'17.64" (110.454900)

LEGEND:

- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

SELF-CERTIFICATION STATEMENT

The following self-certification statement is provided per federal requirements dated June 15, 1988.

Please be advised that Berry Petroleum Company is considered to be the operator of the following well.

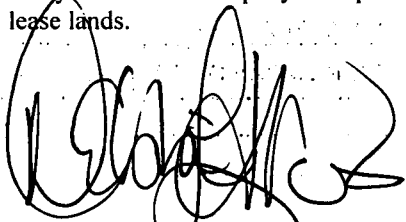
Ute Tribal 11-4-55

NE 1/4, SW 1/4, 2003' FSL 1814' FWL, Section 4, T. 5 S., R. 5 W., U.S.B.&M.

Lease BIA 14-20-H62-4778 (E&D)

Duchesne, County, Utah

Berry Petroleum Company is responsible under the terms of the lease for the operations conducted upon the lease lands.



Debbie L. Wisener
Production & Regulatory Technician
Berry Petroleum Company
1614 South 2000 West
Route 3, Box 3020
Roosevelt, Utah 84066
435-722-1325

BERRY PETROLEUM COMPANY
Ute Tribal 11-4-55
Surface location NE 1/4, SW 1/4, 2003' FSL 1814' FWL, Section 4, T. 5 S., R. 5 W., U.S.B.&M.
Duchesne County, Utah

ONSHORE ORDER NO. 1

DRILLING PROGRAM

1,2 Estimated Tops of Geological Markers and Formations Expected to Contain Water, Oil and Gas and Other Minerals

<u>Formation</u>	<u>Depth</u>
Uinta	Surface
Green River	1,646'
Mahogany	2,833'
Tgr3 Marker	3,844'
*Douglas Creek	4,683'
*Castle Peak	5,554'
Uteland Butte Ls.	5,969'
Wasatch	6,253'
TD	6,355'
Base of Moderately Saline Water (less than 10000ppm)	2,719'

*PROSPECTIVE PAY

3 Pressure Control Equipment

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

4 Proposed Casing and Cementing Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

5 Drilling Fluids Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

6 Evaluation Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

Berry Petroleum Company
Drilling Program
Ute Tribal 11-4-55
Duchesne County, Utah
Page Two

7 Abnormal Conditions

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

8 Anticipated Starting Dates and Notification of Operations

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

9 Other information

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: MARCH 7, 2005).

BERRY PETROLEUM COMPANY
Ute Tribal 11-4-55
Surface location NE 1/4, SW 1/4, 2003' FSL 1814' FWL, Section 4, T. 5 S., R. 5 W., U.S.B.&M.
Duchesne County, Utah

ONSHORE ORDER NO. 1

MULTI POINT SURFACE USE & OPERATIONS PLAN

1 Existing Roads

To reach the Berry Petroleum Company well, Ute Tribal 11-4-55 location, in Section 4-T5S-R5W:

Start in Myton, Utah. Proceed west on US Highway 40, 8.6 miles to the Antelope Creek/Sowers Canyon Road at the Bridgeland turnoff. Turn south and proceed southwest 22.7 miles to the Cottonwood Canyon Road (Sec. 7 Compressor Site). Turn north onto CR-25 and proceed north 4.3 miles. Turn south off CR-25 and proceed southwest 3.4 miles to the Ute Tribal 11-4-55 access road. Turn west and proceed 0.25 miles to the Ute Tribal 11-4-55 location.

The existing oilfield service road may need some surface material to prevent or repair holes in the road due to heavy truck traffic during the drilling and completion operation. If repairs are made the operator will secure material from private sources.

Please see the attached map for additional details.

2 Planned Access Road

See Topographic Map "B" for the location of the proposed access road.

3 Location of Existing Wells

See Topographic Map "C" for the location of existing wells within a 1 mile radius.

4 Location of Tank Batteries, Production Facilities and Production Gathering and Service Lines

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

5 Location and Type of Water Supply

Water for the drilling and completion will be pumped or trucked from the Berry source wells located in Sec. 23, T5S, R5W or Sec. 24, T5S, R5W, permit # 43-11041, or from Duchesne City Culinary Water Dock located in Sec. 1, T4S, R5W or from East Duchesne Water, Arcadia Feedlot, Sec. 28, T3S, R3W or from Petroglyph Operating Company 08-04 Waterplant, Sec. 8, T5S, R3W or from Kenneth V. & Barbara U. Richens source well located in Sec. 34, T3S, R2W, permit # 43-1723 or Brundage Canyon Field produced water or Leo Foy source well located in Sec. 34, T5S, R5W, permit # 43-11324. A water use agreement is also in place with the Ute Tribe.

6 Source of Construction Materials

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

7 Methods of Handling Waste Materials

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

8 Ancillary Facilities

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

9 Wellsite Layout

The attached Location Layout diagram describes drill pad cross-sections, cuts and fills, and locations of the mud tanks, reserve pit, pipe racks, trailer parking, spoil dirt stockpile(s) and surface material stockpile(s)

10 Plans for Restoration of the Surface

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005). If an Archaeological Study was performed all seed mixtures will match recommendation from said Archaeological Study.

11 Surface Ownership

Ute Indian Tribe

12 Other information

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

13 Operator's Representative and Certification

A) Representative

NAME: Debbie L. Wisener

ADDRESS: Berry Petroleum Company
1614 South 2000 West
Route 3, Box 3020
Roosevelt, Utah 84066

PHONE: 435-722-1325

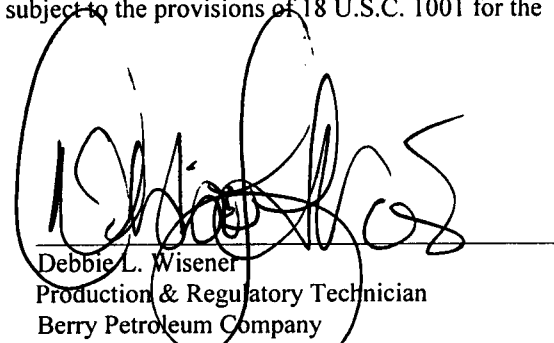
All lease and/or unit operations will be conducted in such a manner that full compliance is made with all applicable laws, regulations and onshore oil and gas orders. The operator is fully responsible for the actions of its subcontractors. A copy of these conditions will be furnished to the field representative to ensure compliance.

The drilling permit will be valid for a period of one year from the date of approval. After permit termination, a new application will be filed for approval for any future operations.

B) Certification:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge and belief, true and correct; and that the work associated with the operations proposed herein will be performed by Berry Petroleum Company and its contractors and subcontractors in conformity with this plan and the terms and conditions under which it is approved. This statement is subject to the provisions of 18 U.S.C. 1001 for the filing of a false statement.

DATE May 26, 05


Debbie L. Wisener
Production & Regulatory Technician
Berry Petroleum Company

APPLICATION FOR GRANT OF CORRIDOR RIGHT-OF-WAY

BERRY PETROLEUM COMPANY, having a resident or principal place of business at Route 3 Box 3020, Roosevelt, Utah, 84066, hereby files an application with the Bureau of Indian Affairs, pursuant to the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323), and to the regulations of the Department of the Interior contained in Title 25, Code of Federal Regulations, Part 169, for the grant of a Right-of-Way for the following purposes and reasons:

To construct a Drill Site & Corridor Right-of-Way for the Ute Tribal #11-4-55

Across the following described Indian Lands NE 1/4 SW 1/4, N 1/2 SE 1/4 & SE 1/4 NE 1/4 OF SECTION 4, T5S, R5W, U.S.B.&M. & THE S 1/2 SE 1/4 & NE 1/4 SE 1/4 OF SECTION 26 & THE N 1/2 SW 1/4, SE 1/4 SW 1/4 & NW 1/4 SE 1/4 OF SECTION 25, T4S, R5W, U.S.B.&M.

Drill Site = 1.993 Ac.

Corridor R-O-W = 8.966 Ac.
(Access Road & Pipeline)

Total Acreage = 10.959 Acres

4"-6" SDR-11 POLY PIPELINE

Said Right-of-Way to be approximately 13,018.57 feet in length, 30 feet in width, and 8.966 Acres, and more particularly described and shown on the map of definite location to be attached and made a part hereof.

The applicant understands and hereby expressly agrees to the following stipulations:

- (a) To construct and maintain the Right-of-Way in a workmanlike manner.
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4 determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the Right-of-Way.
- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees or subcontractors and their employees.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of the construction to the extent compatible with the purpose for which the Right-of-Way was granted.
- (e) To clear and keep clear the lands within the Right-of-Way to the extent compatible with the purpose of the Right-of-Way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.

- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the Right-of-Way.
- (g) To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the Right-of-Way.
- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the Right-of-Way.
- (I) That upon revocation or termination of the Right-of-Way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations of the address of its principal officers.
- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the Right-of-Way is granted.

IN WITNESS THEREOF, BERRY PETROLEUM COMPANY. has caused this instrument to be executed this 9 day of Sept., 2004.

Chase Herline
WITNESS

Mike [Signature]
WITNESS

BERRY PETROLEUM COMPANY
APPLICANT

Ed Courtright
Ed Courtright/Production Supervisor
Route 3 Box 3020
Roosevelt, Utah 84066
Phone:(435)722-1325

SUPPORTING DOCUMENTS:

- () Written consent of the landowners.
- () Evidence of good faith and financial responsibility.
- (x) \$8,551.20 estimated damages, 6.108 acres @ \$1,400.00 per acre. (Sec. 25 & 26)
- (x) \$0 as per the terms of the Exploration and Development Agreement (14-20-H62-4778) (Sec. 4)
- () State certified copy of corporate charter or articles of corporation.
- () Certified copy of resolution or bylaws of the corporation authorizing the filing of the stipulation
- () State certification that the applicant is authorized to do business in the State where the land is located.
- () Certified copy of the articles of partnership or association.
- (x) Map of definite location.
- () Other:

RECEIVED SEP 03 2004

**Berry Petroleum Company,
Ute Tribal #11-4-55 well:
A Cultural Resource Inventory for a well pad,
its access and pipeline,
Uintah-Ouray Ute Reservation,
Duchesne County, Utah**

**By
James A. Truesdale**

**James A. Truesdale
Principle Investigator**

**Prepared For
Berry Petroleum Co.
1614 South 2000 West
Roosevelt, Utah
84066**

**Prepared By
AN INDEPENDENT ARCHAEOLOGIST
P.O.Box 153
Laramie, Wyoming
82073**

Utah Project # U-04-AY-761(i,s,p)

August 29, 2004

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Environment	4
Ute Tribal #11-4-55	5
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Results	7
Recommendations	7
References Cited	8

List of Figures

Figure 1. Location of the Berry Petroleum Co. proposed State/Tribal #11-4-55 well, its access and pipeline on 7.5' USGS quadrangle maps (1964-Photoinspected 1978) Duchesne SW, and (1964) Duchesne SE, Duchesne County, Utah. - - - 2

Figure 2. Location of the Berry Petroleum Co. proposed State/Tribal #11-4-55 well's eastern portion of its access and pipeline on 7.5' USGS quadrangle maps (1964-Photoinspected 1978) Duchesne SW, and (1964) Duchesne SE, Duchesne County, Utah. - - - - - 3

Introduction

An Independent Archaeologist (AIA) was contacted by a representative of Berry Petroleum Co., to conduct a cultural resources investigation of the proposed Ute Tribal #11-4-55 well, its access and pipeline. The location of the proposed well is in the NW/SW 1/4 of Section 4, T5S, R5W, Duchesne County, Utah (Figure 1).

The proposed Ute Tribal #11-4-55 well Alternate #1 centerstake footage is 2003' FSL 1811'FWL. The Universal Transverse Mercator (UTM) centroid coordinate for the proposed Ute Tribal #11-4-55 well centerstake is Zone 12, North American Datum (NAD) 83, 5/46/419.80 mE 44/36/054.66 mN ± 5 m.

The proposed access is approximately 3.5 miles (18,500 feet/5640.2 m) in length (Figures 1 and 2). From the extreme NW/NW/NW/SW 1/4 of Section 25 of T4S R5W, the proposed access follows a existing two track road northeast to southwest through the SE 1/4 of Section 2, the W 1/2 of Section 35 of T4S R5W. The access continues northeast to southwest through the NW 1/4 of Section 3 and the C/E 1/2 of Section 4 of T5S R5W (Figures 1 and 2). The access then leaves the road, turns west and trends 1000 feet (304.8 m) to the proposed well pad.

The proposed pipeline is approximately 5.78 miles (29,500 feet/8993.85 m) in length (Figures 1 and 2). From the proposed Ute Tribal #11-4-55 well, the pipeline parallels along the south side of the proposed access for 3.5 miles (18,500 feet/5640.2 m) through portions Sections 3 and 4 of T5S R4W, and portions of 25, 26, 34, 35 and 36 of T4S R5W (Figures 1 and 2). The pipeline then turns east then southeast to south and parallels the west side of a major oil and gas field service road on Cottonwood Ridge 2.08 miles (11,000 feet/8993.85 m) where it will tie into a existing pipeline in the extreme SE 1/4 of Section 36 of T4S R5W (Figure 1 and 2).

The proposed Ute Tribal #11-4-55 well and 3800 feet (1158.5 m) of the access and pipeline is in Section 4 of T5S R5W and administered by the Bureau of Indian Affairs, Phoenix Area Office, Uintah-Ouray Agency, Ft. Duchesne and the Uintah-Ouray Ute Tribe.

A total of 3000 feet (914.6 m) of the proposed access and pipeline trend through the W 1/2 of Section 3 of T5S R5W which is administered by the Utah Division of Wildlife.

The remainder of the access (11,700 feet/3567.0 m) and the pipeline (29,500 feet/8993.9 m) cross through portions of Sections 25, 26, 34, 35 and 36 of T4S R5W (Figures 1 and 2) and is on fee (private) lands. A total of 120.19 acres (10 block, 110.19 linear) was surveyed. Fieldwork was authorized through an access permit issued by the Energy and Minerals Resource Division of the Uintah-

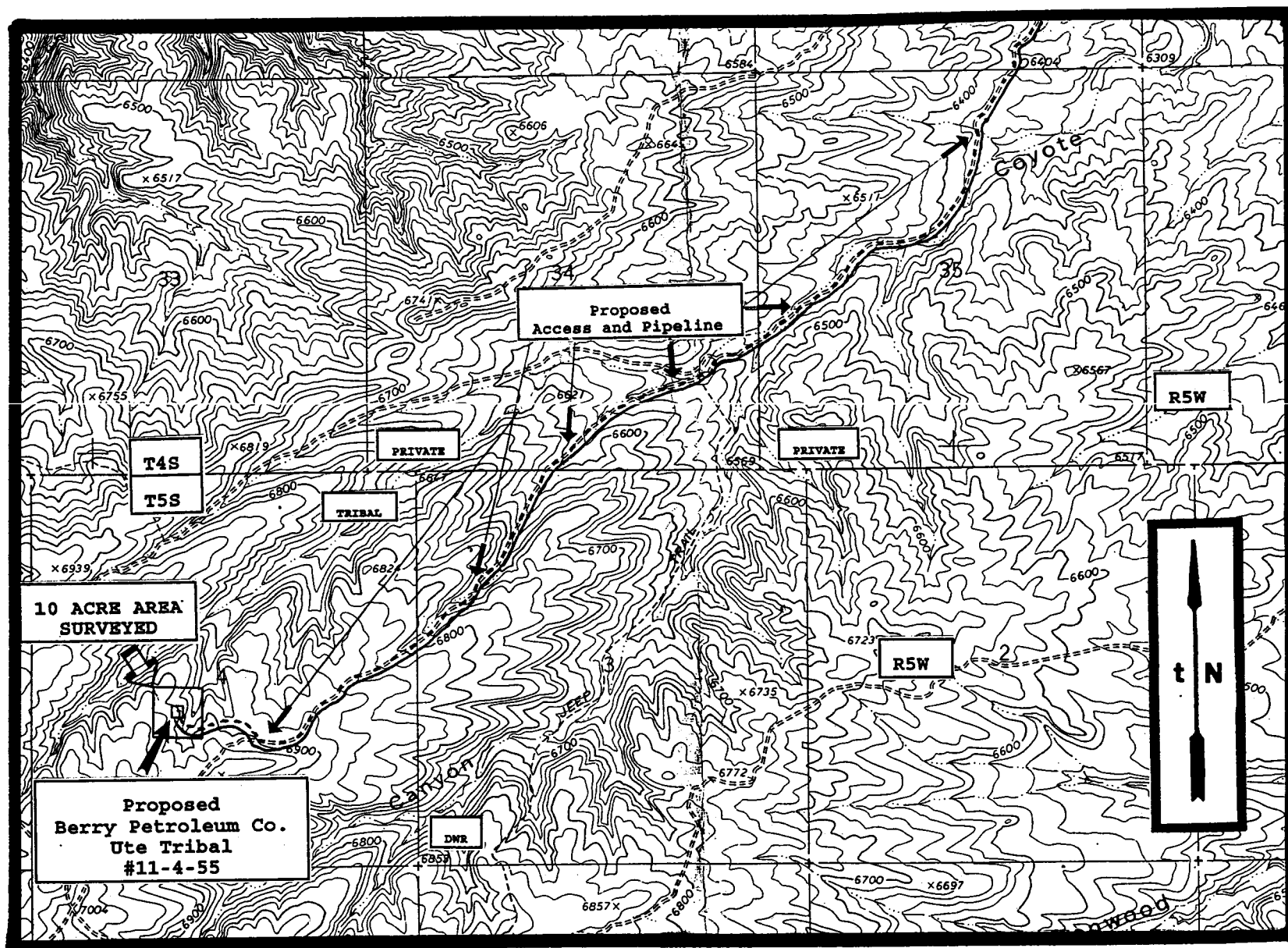


Figure 1. Location of the Berry Petroleum Co.'s proposed Ute Tribal #11-4-55 well, and the portion of its access and pipeline on 7.5"/1964 (photoinspected 1978) Duchesne SW, Duchesne County, Utah.

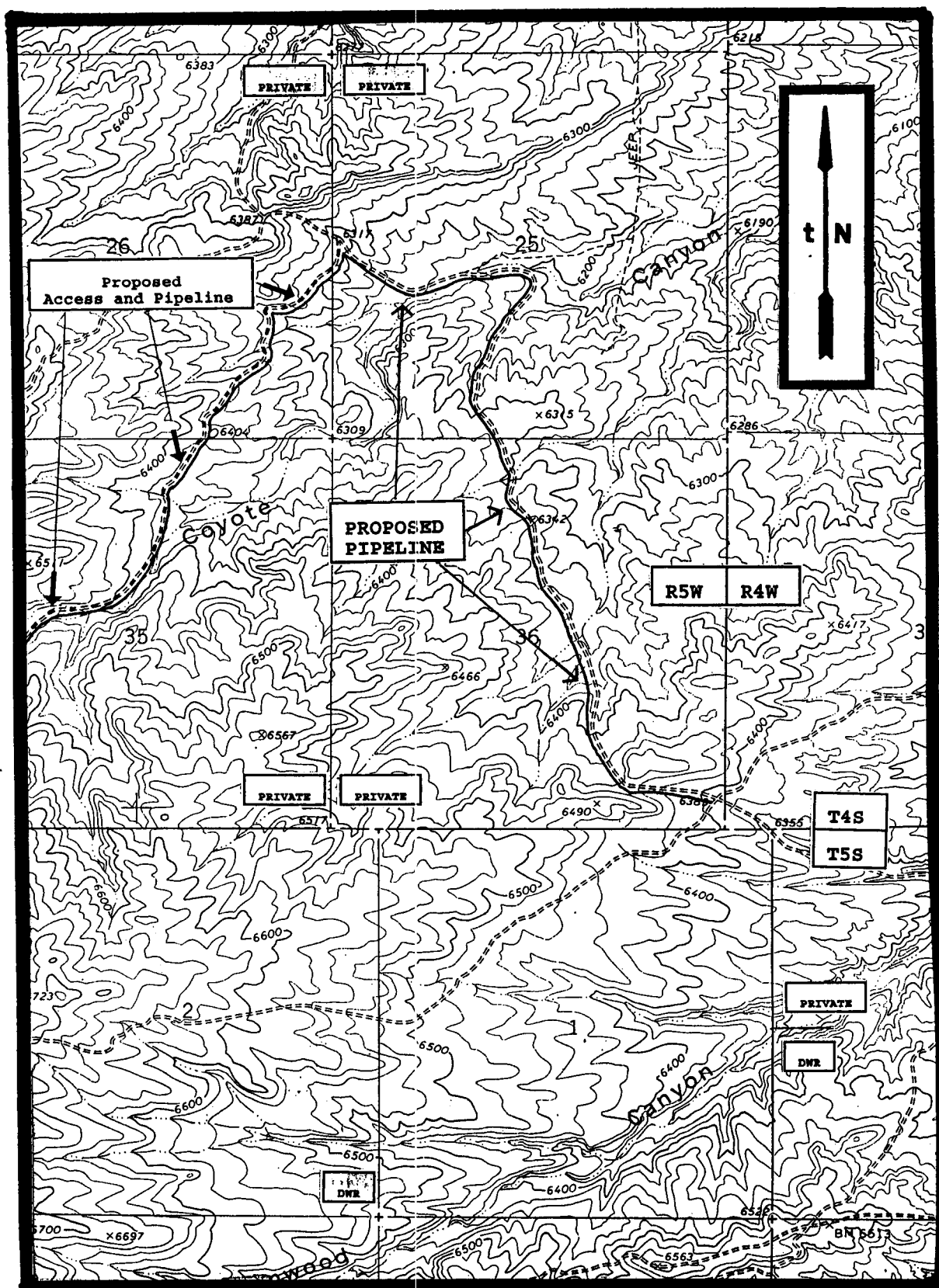


Figure 2. Location of the Berry Petroleum Co. Ute Tribal #11-4-55 well's, eastern portion of its access and pipeline on 7.5'/1964 (photoinspected 1978) Duchesne SW, Duchesne County, Utah.

Ouray Ute tribe. The field work was conducted on August 10, 14-15, 2004 by AIA archaeologist James Truesdale, and accompanied by Kermit Wopsok (technician, Energy and Minerals Resource Division, Uintah-Ouray Ute tribe). All the field notes and maps are located in the AIA office in Laramie, Wyoming.

File Search

A GIS file search was conducted at the Utah Division of State History (UDSH), Antiquities Section, Records Division on August 8, 2004. In addition, AIA's USGS quadrangle Duchesne SE and Duchesne SW base maps were updated from UDSH Records division Duchesne SE and Duchesne SW base maps in November of 2002 and again on February 2, 2004. No previous projects and/or cultural resources (sites, isolates) have been recorded in or adjacent to the project area.

Environment

Physiographically, the project is located in the Uinta Basin, approximately 25 miles southwest of Myton, Utah. The Uinta Basin is structurally the lowest part of the Colorado Plateau geographical province (Thornbury 1965:425). The Uinta Basin is a large, relatively flat, bowl shaped, east-west asymmetrical syncline near the base of the Uinta Mountains (Stokes 1986:231). The topography is characteristic of sloping surfaces which incline northward and are mainly dip slopes on the harder layers of Green River and Uinta Formations. The terrain is characterized as having steep ridges and/or buttes of Uintah Formation sandstones and clays dissected by seasonal drainages and washes with wide flat alluvial plains. The basin contains a thick section of more than 9000 feet (2743.9 m) of early Tertiary rocks (Childs 1950). These rocks are mainly Paleocene and Eocene in age and consist of sandstone, clay and shale lacustrine, fluvial, and deltaic continental deposits, most famous of which are the lacustrine Green River Beds.

The project area is on Cottonwood Ridge which is a large southwest-northeast ridge system, drained by Cottonwood Canyon. Cottonwood Ridge is between the Indian Canyon and Sowers Canyon drainages. The Cottonwood Ridge landscape can be characterized by a sequence of several southwest to northeast trending upland hills and ridges that drain into Cottonwood Canyon. The Cottonwood Canyon drainage eventually reaches the Duchesne River 10 miles to the northeast. Portions of the desert hardpan and bedrock in the project area are covered with shallow aeolian sand which may reach a depth of 50 centimeters in areas.

Vegetation in the project area is characteristic of a Pinon/Juniper community, with a low sagebrush community understory. Species observed in the project area include; Pinyon pine (Pinus Edulis), juniper (Juniperus Osteosperma), curl-leaf mountain mahogany (Cercocarpus ledifolius), shadscale (Atriplex

confertifolia), sand sage, (Artemesia filifolia), saltbush (Atriplex nuttallii), rabbitbrush (Chrysothamnus viscidiflorus), winterfat (Eurotia lanata), greasewood (Sarcobatus baileyi), Indian ricegrass (Oryzopsis hymenoides), desert needlegrass (Stipa speciosa), wild buckwheat, (Eriogonum ovvalifolium), silky lupine (Lupinus sericeus), desert globemallow (Bromus tectorum), sky rocket (Gilia aggregata), peppergrass (Lepidium perfoliatum), Russian thistle (Salsola kali), and prickly pear cactus (Opuntia spp.).

Ute Tribal #11-4-55

The immediate proposed Berry Petroleum Co. Ute Tribal #11-4-55 well is situated on the top and eastern slope of a south-north trending ridge. A small ephemeral drainage is located adjacent immediately southeast of the proposed well pad. The small ridge is part of a much larger, broad, low, gently sloping, south to north trending ridge that runs southwest-northeast along the northern side of Coyote Canyon (Figure 1). Vegetation is dominated by a extremely dense forest of Pinyon pine and juniper, with a understory of mountain mahogany, sagebrush, rabbitbrush, saltbush, bunchgrasses (wheatgrass, Indian rice-grass), buckwheat, larkspur, barrel and prickly pear cactus. Sediments on the well pad consist of shallow (<5 cm), poorly sorted, loosely compacted, white, tan to light brown, sandy clay loam mixed with small to medium sized flat angular pieces of sandstone, clay and shale. The proposed well location is located at an elevation of 6937.5 feet (2115 m) AMSL.

The Cottonwood Ridge road is a major oil and gas field service road for this northern portion of the Brundage Canyon/Sowers Canyon oil and gas field. The proposed access leaves this major crown and ditch oil and gas field service road and follows a two-track road 3.5 miles (18,500 feet/5640.2 m), then turns and continues and additional 1000 feet (304.8 m) west to the proposed well pad. The access leaves the major Cottonwood Ridge road and follows along the Coyote Canyon drainage road. The access follows Coyote Canyon to its head and then turns and continues over a smaller drainage to a small ridge and the proposed well pad.

Sediments along the existing (16 to 20 feet (5-6 m) wide) two track road has been disturbed through road construction and its cyclic maintenance. Sediments along the proposed access and pipeline consist of shallow (5 to 25 cm), poorly sorted, loosely compacted, white, tan to light brown, sandy clay loam, mixed with tiny to small sized angular pieces of sandstone, clay and shale. Vegetation along the access and pipeline is dominated, by thick stands of Pinyon and juniper forest with a understory of mountain mahogany, low sagebrush, rabbitbrush, saltbush, bunchgrasses and prickly pear cactus. Tall greasewood can be found along the drainage bottoms. However, as the access reaches the upland ridges the vegetation is dominated by dense stands of Pinyon pine and

juniper.

The proposed pipeline is approximately 5.78 miles (29,500 feet/8,993.85 m) long. From the proposed Ute Tribal #11-4-55 well, the pipeline parallels the southeast side of the proposed access road 3.5 miles to the main Cottonwood Ridge road. From the main road, the pipeline turns generally east then south, and proceeds along the west side of the main Cottonwood Ridge road 2.28 miles, crossing Coyote Canyon and continuing to the top of Cottonwood Ridge and an existing pipeline. Vegetation is dominated by a low sagebrush community that contains sagebrush, rabbitbrush, saltbush, bunchgrasses, and prickly pear cactus.

Modern trash (plastic soda pop, oil bottles and jugs, green, brown and clear bottle glass, foam insulation, hub caps, misc. wire, modern sanitary food cans) can be found along the proposed access and pipeline corridors.

Field Methods

A total of 10 acres was surveyed around the centerstake of the proposed well location to allow for relocation of the pad if necessary. The survey was accomplished by walking transects spaced no more than 15 meters apart. The linear surveys are accomplished by walking a zig-zag transect 50 feet (15.2 m) wide on either side of the access and pipeline centerline stakes. The proposed access corridor surveyed is 3.5 miles (18,500 feet/5640.2 m) long and 100 feet (30.4 m) wide, 42.47 acres. The proposed pipeline corridor surveyed is 5.78 miles (29,500 feet/8993.85 m) long and 100 feet (30.4 m) wide, 67.72 acres. Thus, 110.19 linear acres was surveyed.

Geologic landforms (rockshelters, alcoves, ridge tops and saddles) and areas of subsurface exposure (ant hills, blowouts, rodent holes and burrow, eroding slopes and cutbanks) were examined with special care in order to locate cultural resources (sites, isolates) and possibly help assess a sites sedimentary integrity and potential for the presence and/or absence of buried intact cultural deposits. The entire surface area of all ridge tops and saddles were covered. All exposures of sandstone cliff faces, alcoves or rockshelter, and talus slopes were surveyed.

When cultural materials are discovered, a more thorough survey of the immediate vicinity is conducted in order to locate any associated artifacts and to determine the horizontal extent (surface area) of the site. If no other artifacts are located during the search then the initial artifact was recorded as an isolated find. At times, isolated formal tools (typical end scrapers, projectile points) were drawn and measured. The isolate was then described and its location plotted on a U.S.G.S. topographic map and UTM coordinates are recorded.

When sites are found a Intermountain Antiquities Computer System (IMACS) form was used to record the site. At all sites, selected topographic features, site boundaries, stone tools and cultural features (hearths, foundations, trash dumps and trails) are mapped. Sites were mapped with a Brunton compass and Trimble Geophysical 3 Global Positioning System (GPS), and pacing off distances from a mapping station (datum). All debitage is inventoried using standard recording techniques (Truesdale 1995 et al 1995:7) according to material type, basic flake type, and so on. Selected (mostly complete) stone tools and projectile points are drawn and measured. All features (rockart panel(s), hearths, foundations, trash dumps and trails), measured and described, while selected features are either drawn or photographed.

Site location data is recorded by a Trimble Geophysical 3 and/or GARMIN GPSIII or E-Trex Legend Global Positioning Systems (GPS). Universal Transverse Mercator (UTM) grid data is recorded in an obvious way (ie. UTM Zone 12; NAD 83; centroid coordinate: 06/15/927 mE 44/17/443 mN), along with its Estimated Position Error (EPE) and Dilution of Precision (DOP). Site elevations are taken along with each UTM coordinate. Using the GPS data, the site location was then placed on a USGS 7.5' quadrangle map.

Results

A total of 120.19 acres (10 block, 110.19 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #11-4-55 and along its access and pipeline. No cultural resources (sites, isolates) were recorded during the survey.

Modern trash (plastic soda pop, oil and antifreeze bottles and jugs, green, brown and clear bottle glass, foam insulation, sanitary food cans) can be found throughout the Cottonwood Ridge area and this northern portion of the Brundage Canyon/ Sowers Canyon Oil and Gas Field and along its service roads.

Recommendations

A total of 120.19 acres (10 block, 110.19 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #11-4-55 and along its access and pipeline. No cultural materials (sites, isolates) were recorded during the survey.

Modern trash (plastic soda pop, oil and antifreeze bottles, green, brown and clear bottle glass, foam insulation and sanitary food cans), including a modern truck camper shell can be found along the proposed Coyote Canyon road and across Cottonwood Ridge and this northern portion of the Brundage Canyon/Sowers Canyon Oil and Gas Field and along its service roads.

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Sediments on the proposed well pad and along its access and pipeline are shallow (<5 to 40 cm). Therefore the possibility of buried and intact cultural materials located on the proposed well pad or along its, access and pipeline is low. Thus, no additional archaeological work is necessary and clearance is recommended for the construction of the proposed Ute Tribal #11-4-55 well pad, its access and flowline.

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BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55

LOCATED IN DUCHESNE COUNTY, UTAH

SECTION 4, T5S, R5W, U.S.B.&M.

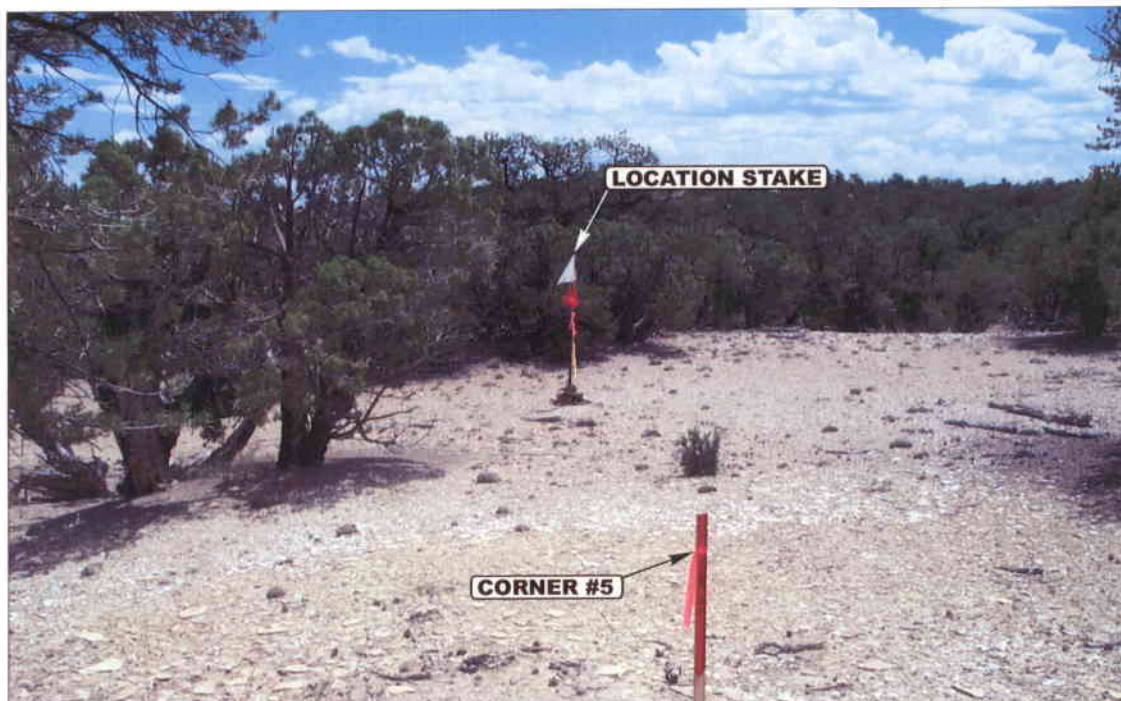


PHOTO: VIEW FROM CORNER #5 TO LOCATION STAKE

CAMERA ANGLE: SOUTHEASTERLY

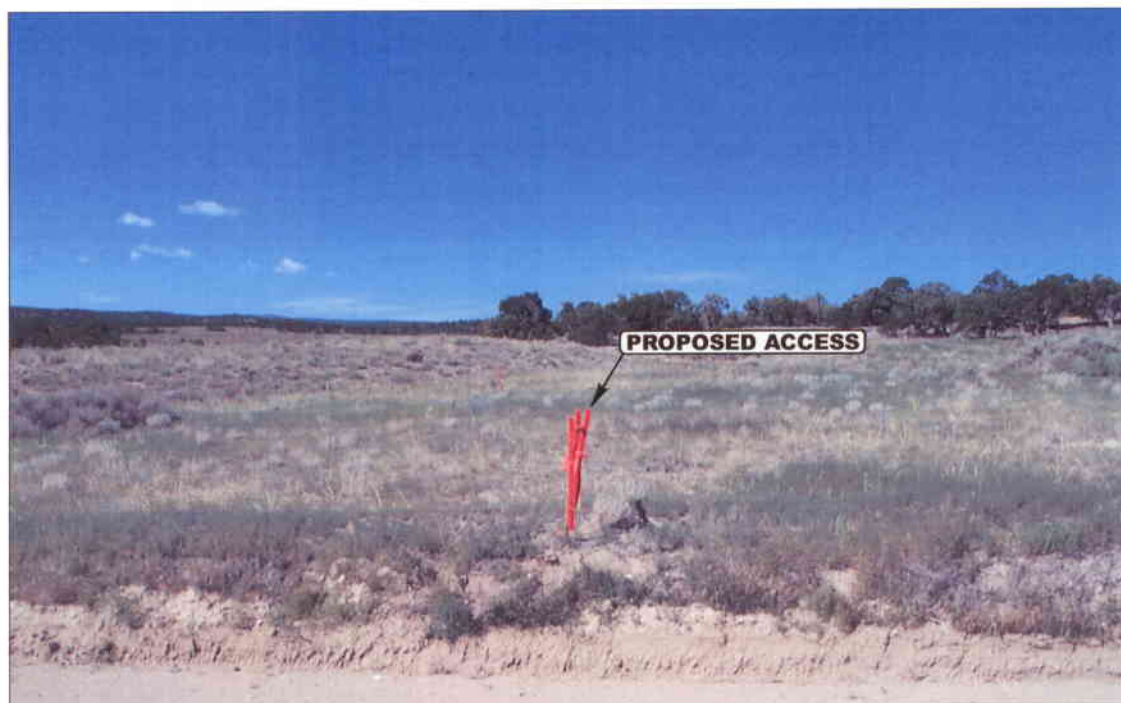


PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHWESTERLY



- Since 1964 -

UELS

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435-789-1017 uels@uelsinc.com

LOCATION PHOTOS

07 22 04
MONTH DAY YEAR

PHOTO

TAKEN BY: S.H.

DRAWN BY: P.M.

REVISED: 00-00-00

BERRY PETROLEUM COMPANY

LOCATION LAYOUT FOR

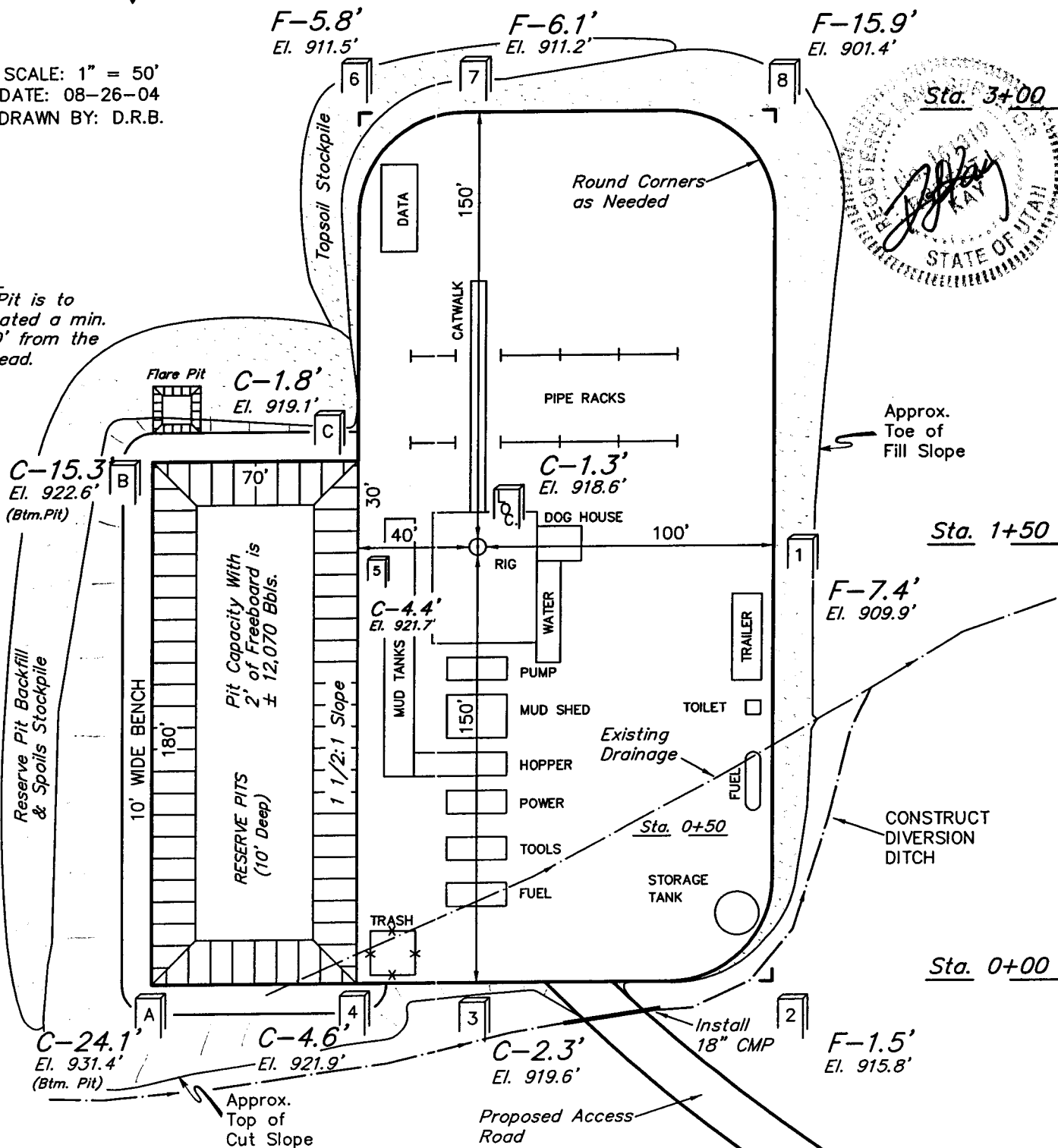
UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



SCALE: 1" = 50'
DATE: 08-26-04
DRAWN BY: D.R.B.

NOTE:

Flare Pit is to be located a min. of 100' from the Well Head.



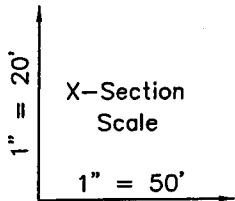
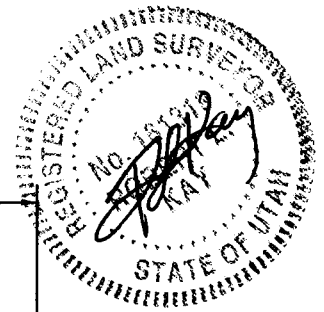
Elev. Ungraded Ground at Location Stake = 6918.6'
Elev. Graded Ground at Location Stake = 6917.3'

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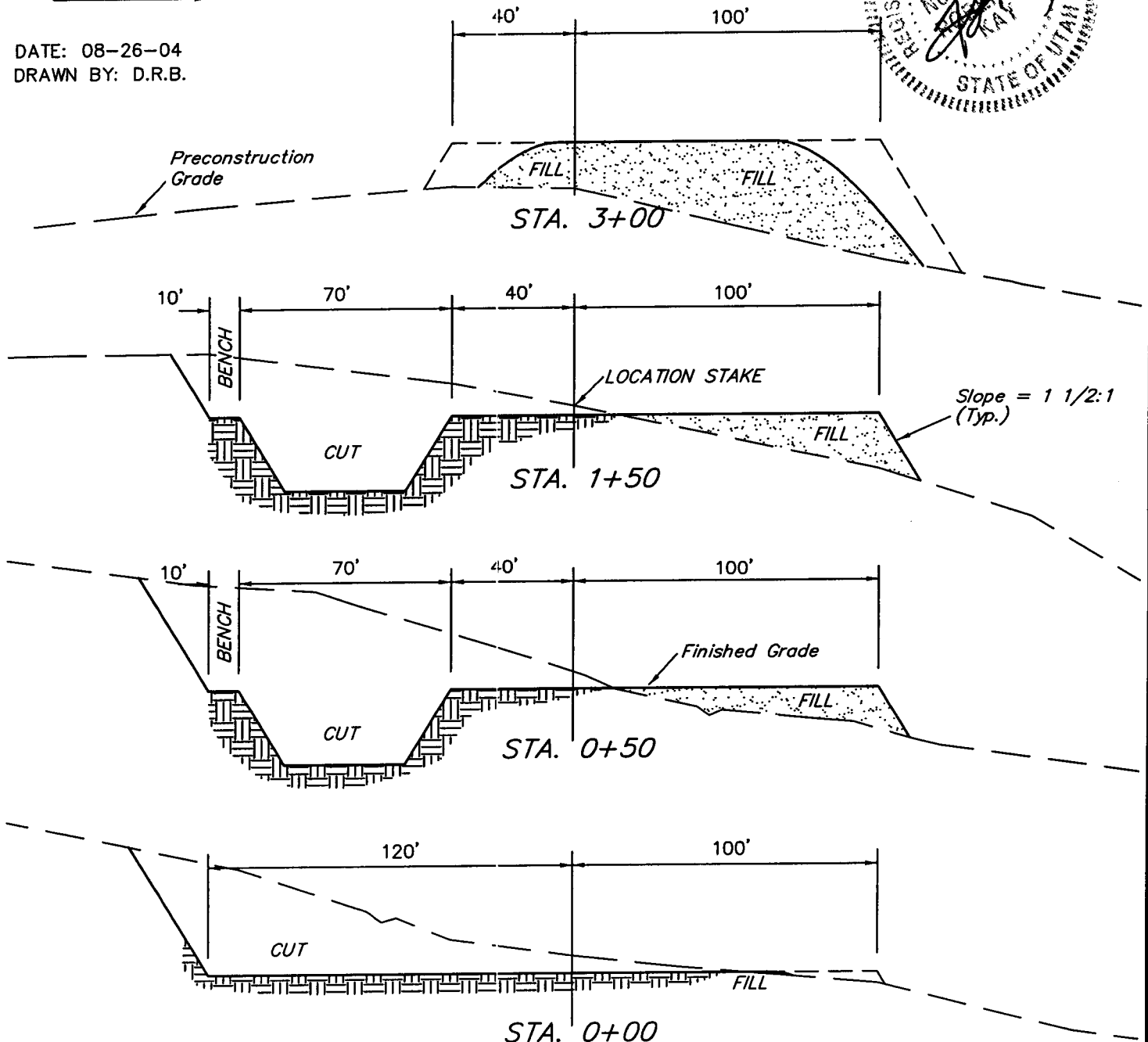
BERRY PETROLEUM COMPANY

TYPICAL CROSS SECTIONS FOR

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



DATE: 08-26-04
DRAWN BY: D.R.B.



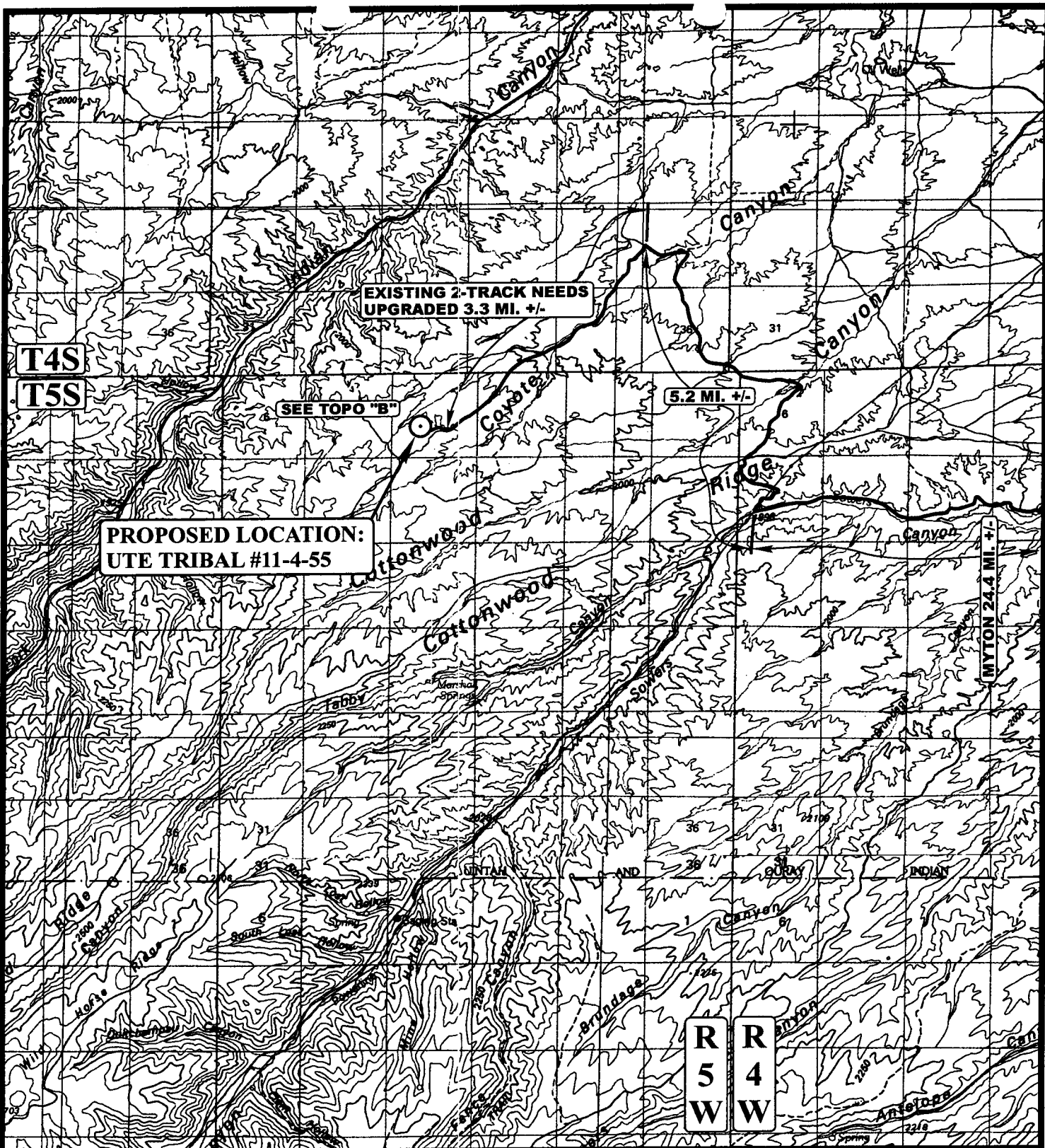
* NOTE:
FILL QUANTITY INCLUDES
5% FOR COMPACTION

APPROXIMATE YARDAGES

CUT	
(12") Topsoil Stripping	= 2,790 Cu. Yds.
Remaining Location	= 10,170 Cu. Yds.
TOTAL CUT	= 12,960 CU.YDS.
FILL	= 8,470 CU.YDS.

EXCESS MATERIAL	= 4,490 Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	= 4,490 Cu. Yds.
EXCESS UNBALANCE (After Rehabilitation)	= 0 Cu. Yds.

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LEGEND:

○ PROPOSED LOCATION

BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



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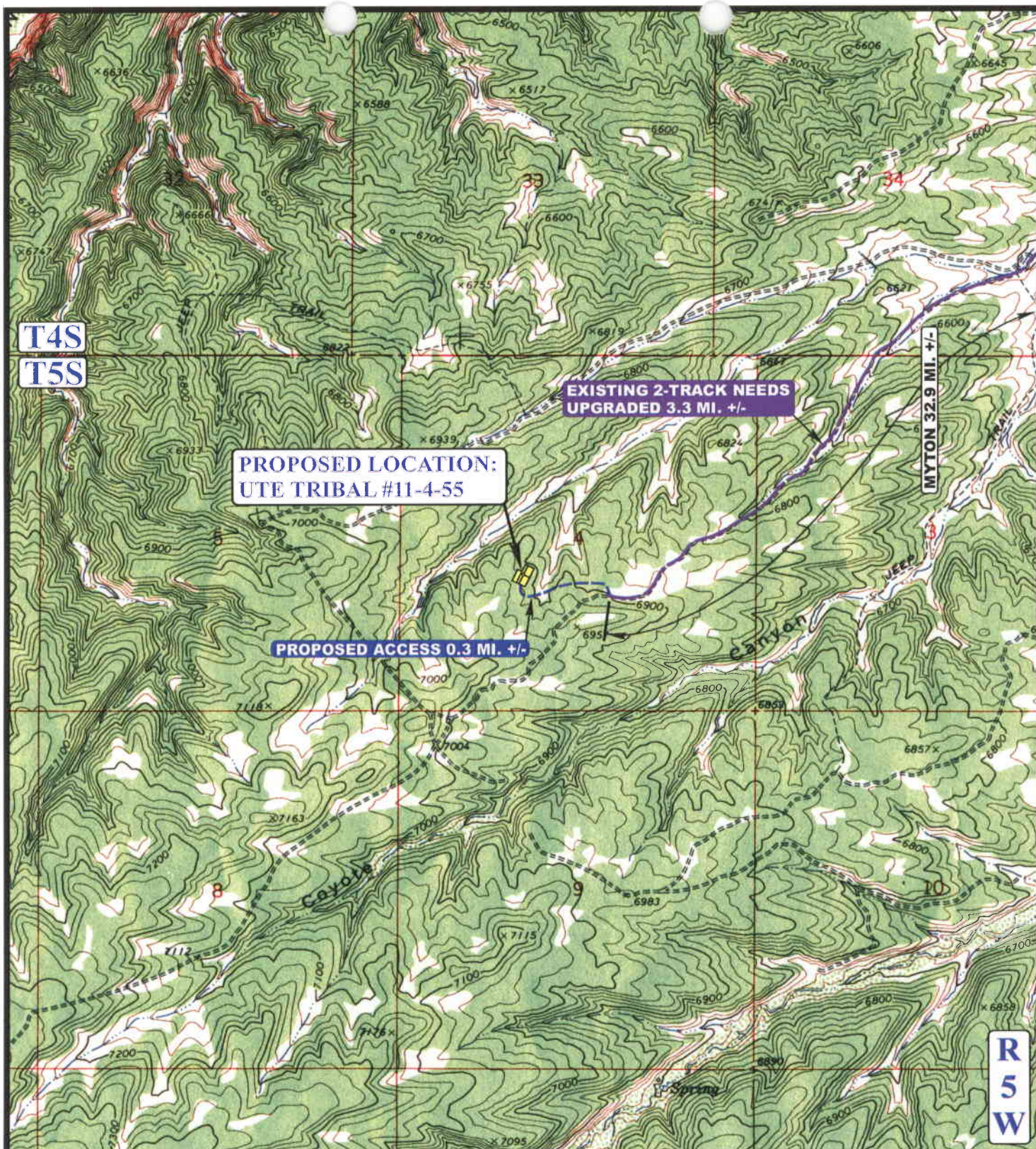


TOPOGRAPHIC
MAP

07 22 04
MONTH DAY YEAR

SCALE: 1:100,000 DRAWN BY: P.M. REVISED: 00-00-00





LEGEND:

	EXISTING ROAD
	PROPOSED ACCESS ROAD
	EXISTING 2-TRACK NEEDS UPGRADED

BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL

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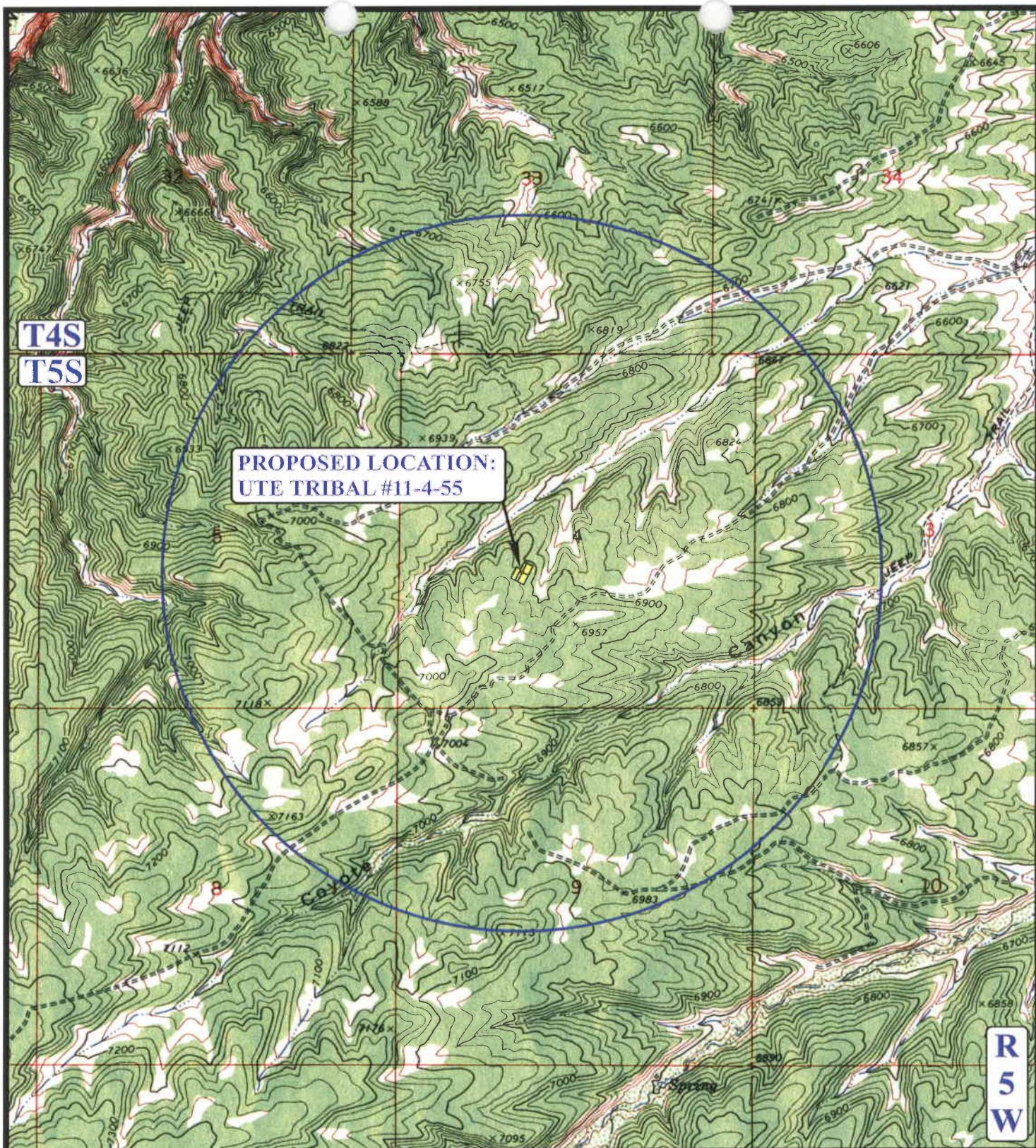


TOPOGRAPHIC
MAP

07 **22** **04**
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00

B
TOPO



LEGEND:

- DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- WATER WELLS
- ABANDONED WELLS
- TEMPORARILY ABANDONED

BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



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TOPOGRAPHIC
MAP

07 22 04
MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00



R
5
W

T4S

T5S

PROPOSED LOCATION:
UTE TRIBAL #11-4-55

PROPOSED ACCESS ROAD

PROPOSED PIPELINE

MATCH LINE
SEE TOPO D2

LEGEND:

— PROPOSED ACCESS ROAD
- - - PROPOSED PIPELINE

BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



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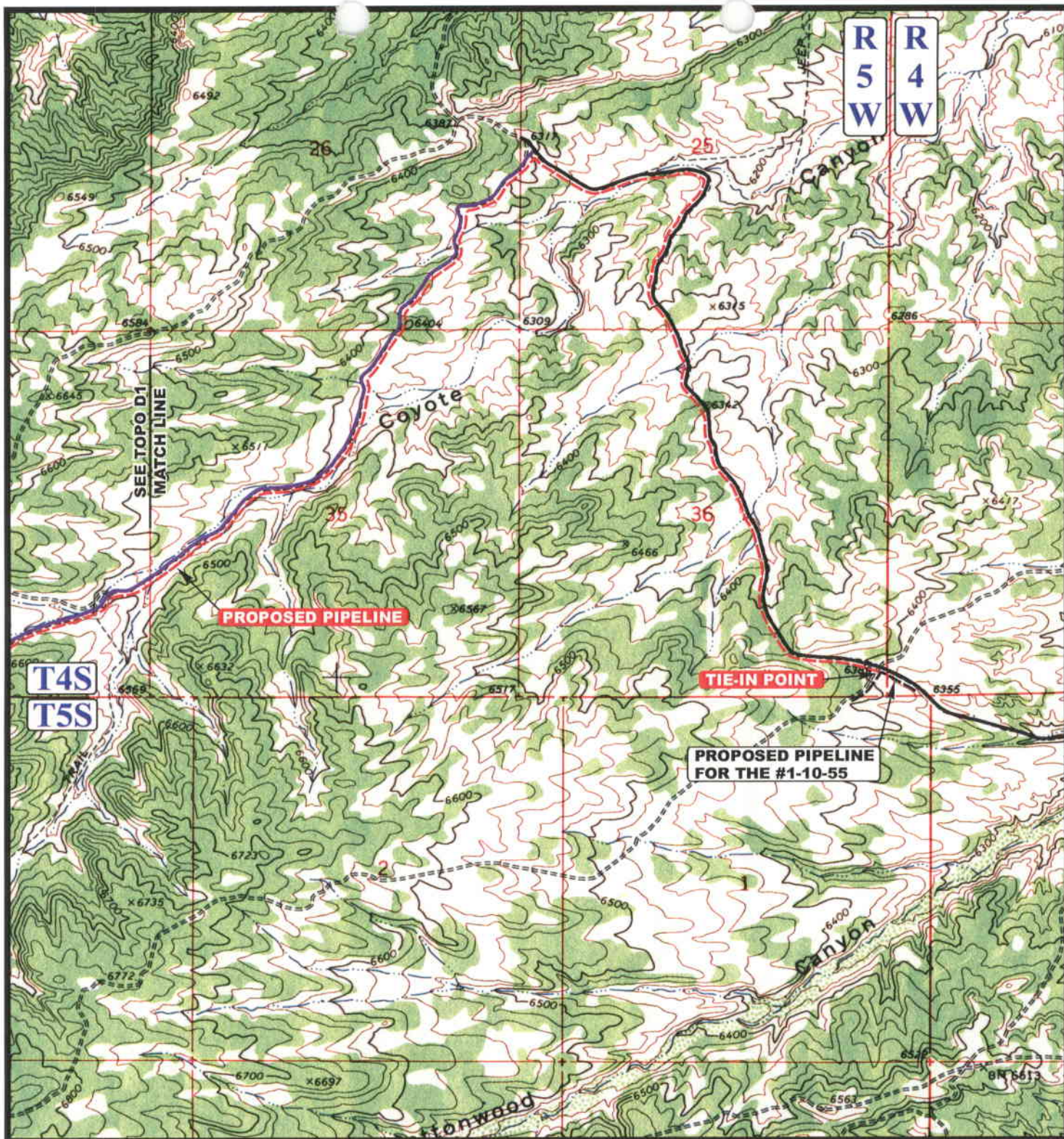


TOPOGRAPHIC
MAP

07 22 04
MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00

D1
TOPO



APPROXIMATE TOTAL PIPELINE DISTANCE = 31,258' +/-

LEGEND:

- PROPOSED ACCESS ROAD
- EXISTING PIPELINE
- PROPOSED PIPELINE

BERRY PETROLEUM COMPANY

UTE TRIBAL #11-4-55
SECTION 4, T5S, R5W, U.S.B.&M.
2003' FSL 1814' FWL



Uintah Engineering & Land Surveying
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TOPOGRAPHIC
MAP

07 22 04
MONTH DAY YEAR

D2
TOPO

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N64°26'06"W	203.08	L58	N44°08'34"W	56.54	L115	S59°41'27"W	127.56
L2	N81°00'22"W	89.53	L59	S44°27'05"W	107.36	L116	S72°37'40"W	361.60
L3	N87°15'58"W	191.87	L60	S45°44'45"W	109.14	L117	S79°24'25"W	114.94
L4	N78°23'57"W	112.51	L61	S48°02'47"W	64.96	L118	S65°59'45"W	149.87
L5	N60°32'38"W	101.01	L62	S48°02'47"W	156.36	L119	S72°14'06"W	196.48
L6	N42°45'34"W	114.14	L63	S47°11'32"W	192.39	L120	S53°55'52"W	224.79
L7	N34°19'18"W	259.07	L64	S34°59'40"W	173.79	L121	S53°12'42"W	243.73
L8	N30°42'08"W	143.72	L65	S47°30'28"W	191.48	L122	S60°11'39"W	191.85
L9	N21°54'54"W	316.83	L66	S71°40'54"W	153.28	L123	S43°18'53"W	276.28
L10	N03°40'49"E	124.03	L67	S81°34'36"W	146.57	L124	S41°35'56"W	198.70
L11	N14°54'06"E	163.83	L68	S83°42'58"W	150.13	L125	S56°02'08"W	274.45
L12	N10°50'14"E	197.18	L69	S28°34'09"E	147.74	L126	S53°47'26"W	108.64
L13	N10°15'28"W	102.90	L70	S05°49'46"W	187.69	L127	S53°47'26"W	28.11
L14	N19°41'15"W	282.11	L71	S26°34'44"W	145.92	L128	S29°31'09"W	310.25
L15	N17°41'57"W	252.35	L72	S16°14'45"E	158.99	L129	S24°41'04"W	262.08
L16	N26°40'56"W	265.96	L73	S27°41'59"W	158.53	L130	S20°23'04"W	241.64
L17	N21°07'34"W	314.22	L74	S57°01'28"W	210.45	L131	S33°11'32"W	126.14
L18	N33°56'58"W	154.15	L75	S53°17'39"W	181.27	L132	S31°24'40"W	459.85
L19	N41°31'08"W	252.16	L76	S28°45'46"W	172.74	L133	S47°30'28"W	211.76
L20	N29°26'32"W	99.42	L77	S37°24'45"W	288.93	L134	S36°32'40"W	210.77
L21	N14°47'11"W	256.25	L78	S53°57'00"W	168.10	L135	S55°29'28"W	264.80
L22	N16°24'28"W	228.49	L79	S22°21'54"W	121.54	L136	S42°37'55"W	203.97
L23	N03°49'48"W	235.82	L80	S10°14'01"E	85.37	L137	S34°52'40"W	307.69
L24	N21°46'04"W	126.89	L81	S05°28'00"E	92.41	L138	S22°47'21"W	246.58
L25	N44°43'38"W	377.06	L82	S50°23'48"W	43.98	L139	S20°14'21"W	81.15
L26	N09°26'05"W	101.80	L83	S50°23'48"W	67.40	L140	S60°41'02"W	156.03
L27	N14°52'24"E	216.86	L84	S36°13'13"W	140.53	L141	S54°53'17"W	129.27
L28	N07°58'37"W	100.07	L85	S44°21'05"W	186.06	L142	S57°35'56"W	261.04
L29	N22°18'40"W	191.64	L86	S30°23'59"W	63.36	L143	S70°51'44"W	370.15
L30	N15°51'51"W	104.07	L87	S16°13'12"E	126.19	L144	S45°31'12"W	189.32
L31	N28°22'51"W	154.86	L88	S02°44'39"W	137.15	L145	S25°52'36"W	144.70
L32	N28°22'51"W	64.81	L89	S12°40'52"W	290.96	L146	S61°49'55"W	224.15
L33	N30°26'20"W	179.86	L90	S17°43'55"W	216.83	L147	S48°02'39"W	192.11
L34	N41°51'47"W	247.38	L91	S24°20'49"W	211.25	L148	S31°22'09"W	295.49
L35	N22°26'10"W	86.30	L92	S38°00'35"W	276.90	L149	S57°30'16"W	167.82
L36	N00°05'04"W	137.64	L93	S42°41'47"W	206.92	L150	S81°20'34"W	255.22
L37	N11°46'30"E	158.39	L94	S50°38'07"W	221.05	L151	N82°09'13"W	117.05
L38	N09°33'38"E	196.13	L95	S73°52'07"W	120.79	L152	N41°41'36"W	242.17
L39	N36°43'49"E	196.36	L96	S69°14'34"W	211.25	L153	N86°59'55"W	82.83
L40	N20°19'56"E	255.20	L97	S80°01'48"W	144.80	L154	N87°36'52"W	195.04
L41	N38°42'35"E	208.25	L98	S55°13'40"W	133.28	L155	N87°50'37"W	162.08
L42	N31°25'59"E	237.85	L99	S85°22'26"W	107.23	L156	S77°32'30"W	113.67
L43	N43°34'24"E	241.82	L100	S79°21'24"W	201.95	L157	S89°12'48"W	84.32
L44	N52°28'52"E	126.34	L101	S63°41'17"W	187.43	L158	S67°49'14"W	92.72
L45	N08°51'23"E	175.18	L102	S47°21'28"W	104.77	L159	S56°11'32"W	96.54
L46	N44°40'42"W	115.60	L103	S36°43'25"W	203.64	L160	S64°55'42"W	239.55
L47	N76°52'14"W	226.92	L104	S28°15'16"W	137.00	L161	S89°30'59"W	55.09
L48	S78°35'48"W	396.84	L105	S47°54'22"W	159.40	L162	N55°40'35"W	97.55
L49	S85°50'03"W	255.88	L106	S57°36'15"W	224.41	L163	N31°23'77"W	74.68
L50	S73°10'55"W	246.63	L107	S30°14'45"W	201.65	L164	N10°02'30"W	28.51
L51	S65°16'39"W	257.18	L108	S55°17'29"W	197.15	L165	N63°12'43"W	213.81
L52	S78°10'15"W	159.25	L109	S45°37'40"W	287.36	L166	N26°47'17"E	230.00
L53	N75°11'00"W	168.96	L110	S58°48'30"W	103.79	L167	N57°02'40"E	138.92
L54	N58°16'05"W	264.45	L111	S89°31'12"W	170.13	L168	S63°12'43"E	168.82
L55	N82°15'43"W	266.81	L112	S62°11'56"W	41.95	L169	S26°47'17"E	350.00
L56	N59°00'10"W	157.64	L113	S62°11'56"W	289.14	L170	N63°12'43"W	46.19
L57	N40°34'45"W	137.65	L114	S84°36'58"W	209.73			

NOTE:
P.O.S.L. 241+57.61 BEARS S89°59'18"W
269.85' FROM THE SOUTH 1/4 CORNER OF
SECTION 34, T4S, R5W, U.S.B.&M.

RIGHT-OF-WAY LENGTHS			
PROPERTY OWNER	FEET	ACRES	RODS
UTE TRIBAL	13,018.57	8.966	789.00
D. of W.	18,161.97	12.508	1100.725

CORRIDOR RIGHT-OF-WAY DESCRIPTION ON DIVISION OF WILDLIFE PROPERTY

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

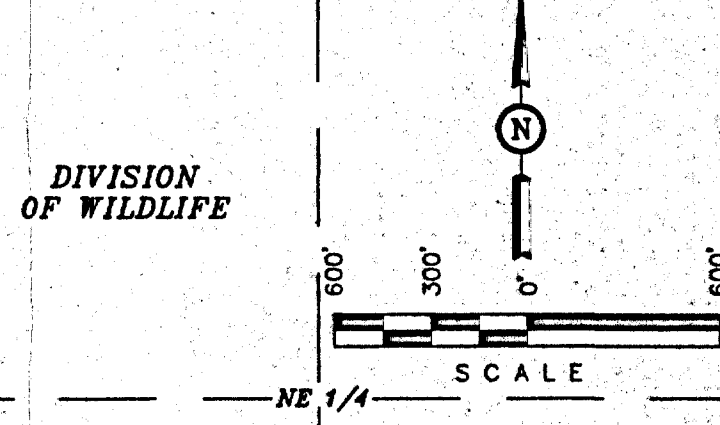
BEGINNING AT A POINT IN THE SE 1/4 SE 1/4 OF SECTION 36, T4S, R5W, U.S.B.&M. WHICH BEARS N19°24'30"W 433.83' FROM THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE N64°26'06"W 203.08'; THENCE N81°00'22"W 89.53'; THENCE N85°06'43"W 556.69'; THENCE N87°15'58"W 191.87'; THENCE N78°23'57"W 112.51'; THENCE N60°32'38"W 101.01'; THENCE N42°45'34"W 114.14'; THENCE N34°19'18"W 259.07'; THENCE N30°42'08"W 143.72'; THENCE N21°54'54"W 316.93'; THENCE N03°40'49"E 124.03'; THENCE N14°54'06"E 163.83'; THENCE N10°50'14"E 197.18'; THENCE N10°15'28"W 102.90'; THENCE N19°41'15"W 282.11'; THENCE N17°41'57"W 252.35'; THENCE N26°40'56"W 265.96'; THENCE N21°07'34"W 314.22'; THENCE N33°56'58"W 154.15'; THENCE N41°31'08"W 252.16'; THENCE N29°26'32"W 99.42'; THENCE N14°47'11"W 256.25'; THENCE N16°24'28"W 228.49'; THENCE N03°49'48"W 235.82'; THENCE N21°46'04"W 126.89'; THENCE N44°43'38"W 377.06'; THENCE N09°26'05"W 101.80'; THENCE N14°52'24"E 216.86'; THENCE N07°58'37"W 100.07'; THENCE N22°18'40"W 191.64'; THENCE N15°51'51"W 104.07'; THENCE N28°22'51"W 154.86' TO A POINT ON THE NORTH LINE OF THE NE 1/4 NW 1/4 OF SAID SECTION 36, WHICH BEARS N89°59'29"W 404.12' FROM THE NORTH 1/4 CORNER OF SAID SECTION 36. ALSO, BEGINNING AT A POINT ON THE NORTH LINE OF THE NW 1/4 NE 1/4 OF SECTION 35, T4S, R5W, U.S.B.&M. WHICH BEARS N89°59'29"E 888.82' FROM THE NORTH 1/4 CORNER OF SAID SECTION 35, THENCE S00°23'48"W 67.40'; THENCE S30°30'27"W 424.39'; THENCE S36°13'13"W 140.53'; THENCE S44°21'06"W 186.06'; THENCE S30°23'59"W 63.36'; THENCE S16°18'36"E 125.19'; THENCE S02°44'39"W 137.15'; THENCE S12°40'52"W 290.96'; THENCE S17°43'55"W 215.83'; THENCE S22°20'49"W 151.64'; THENCE S38°00'35"W 276.90'; THENCE S42°41'47"W 206.92'; THENCE S50°38'07"W 221.05'; THENCE S73°52'07"W 120.79'; THENCE S69°14'34"W 211.25'; THENCE S89°01'49"W 144.89'; THENCE S55°13'40"W 133.28'; THENCE S85°22'26"W 107.23'; THENCE S79°21'24"W 201.95'; THENCE S63°41'17"W 187.43'; THENCE S47°21'28"W 104.77'; THENCE S36°43'25"W 203.64'; THENCE S28°15'16"W 137.00'; THENCE S47°54'22"W 159.40'; THENCE S57°36'15"W 224.41'; THENCE S30°14'45"W 201.65'; THENCE S55°17'29"W 197.15'; THENCE S43°57'40"W 267.36'; THENCE S58°48'30"W 103.79'; THENCE S89°31'52"W 170.13'; THENCE S62°11'56"W 41.95' TO A POINT ON THE WEST LINE OF THE NW 1/4 SW 1/4 OF SAID SECTION 35, WHICH BEARS S00°00'20"E 940.65' FROM THE WEST 1/4 CORNER OF SAID SECTION 35, THENCE S62°11'56"W 289.14'; THENCE S84°36'58"W 209.73'; THENCE S59°41'27"W 127.56'; THENCE S51°06'35"W 472.97'; THENCE S72°37'40"W 361.60'; THENCE S79°24'25"W 114.94'; THENCE S68°59'45"W 149.87'; THENCE S72°14'06"W 196.48'; THENCE S53°55'52"W 224.79'; THENCE S53°12'42"W 243.73'; THENCE S60°11'39"W 191.85'; THENCE S43°18'53"W 276.28'; THENCE S41°35'56"W 198.70'; THENCE S56°02'08"W 274.45'; THENCE S53°47'26"W 108.64' TO A POINT ON THE SOUTH LINE OF THE SE 1/4 SW 1/4 OF SECTION 34, T4S, R5W, U.S.B.&M. WHICH BEARS S89°59'18"W 269.85' FROM THE SOUTH 1/4 CORNER OF SAID SECTION 34, THENCE S83°47'26"W 28.11'; THENCE S29°31'09"W 310.25'; THENCE S24°41'04"W 262.08'; THENCE S20°23'04"W 241.64'; THENCE S33°11'32"W 126.14'; THENCE S31°24'40"W 459.85'; THENCE S52°47'21"W 246.58' TO A POINT ON THE WEST LINE OF THE SW 1/4 NW 1/4 OF SECTION 3, T5S, R5W, U.S.B.&M. WHICH BEARS N00°40'18"W 365.34' FROM THE WEST 1/4 CORNER OF SAID SECTION 3, THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 12.508 ACRES MORE OR LESS.

BERRY PETROLEUM COMPANY CORRIDOR RIGHT-OF-WAY ON FEE LANDS

(For UTE TRIBAL #11-4-55)

LOCATED IN
SECTIONS 3 & 4, T5S, R5W, U.S.B.&M.
& SECTIONS 25, 26, 34, 35 &
36, T4S, R5W, U.S.B.&M.
DUCHESE COUNTY, UTAH

ENDING OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON D. of W. LANDS
STA. 63+92.34
(At Section Line)



NOTE:
BEGINNING STA. 0+00 BEARS N19°24'30"W
433.83' FROM THE SOUTHEAST CORNER OF
SECTION 36, T4S, R5W, U.S.B.&M.

CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM
FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY
SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
STATE OF UTAH

UNTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1017
VERNAL, UTAH - 84078

SCALE: 1" = 600'
DATE: 08-16-04
PARTY: S.H. L.M. D.R.B. REFERENCES: G.L.O. PLAT
WEATHER: WARM
FILE: 22750-B

004

WORKSHEET
APPLICATION FOR PERMIT TO DRILL

APD RECEIVED: 05/31/2005

API NO. ASSIGNED: 43-013-32799

WELL NAME: UTE TRIBAL 11-4-55

OPERATOR: BERRY PETROLEUM COMPANY (N2480)

CONTACT: DEBBIE WISENER

PHONE NUMBER: 435-722-1325

PROPOSED LOCATION:

NESW 04 050S 050W

SURFACE: 2003 FSL 1814 FWL

BOTTOM: 2003 FSL 1814 FWL

DUCHESNE

WILDCAT (1)

LEASE TYPE: 2 - Indian

LEASE NUMBER: 14-20-H62-4778

SURFACE OWNER: 2 - Indian

PROPOSED FORMATION: WSTC

COALBED METHANE WELL? NO

INSPECT LOCATN BY: / /

Tech Review	Initials	Date
Engineering		
Geology		
Surface		

LATITUDE: 40.07365

LONGITUDE: -110.4549

RECEIVED AND/OR REVIEWED:

☒ Plat
☒ Bond: Fed[] Ind[2] Sta[] Fee[]
(No. RLB0005651)
☒ Potash (Y/N)
☒ Oil Shale 190-5 (B) or 190-3 or 190-13
☒ Water Permit
(No. 43-11041)
☒ RDCC Review (Y/N)
(Date:)
☒ Fee Surf Agreement (Y/N)

LOCATION AND SITING:

___ R649-2-3.
Unit ___
☒ R649-3-2. General
Siting: 460 From Qtr/Qtr & 920' Between Wells
___ R649-3-3. Exception
___ Drilling Unit
Board Cause No: ___
Eff Date: ___
Siting: ___
___ R649-3-11. Directional Drill

COMMENTS:

Sup. Separate RL

STIPULATIONS:

1- Fee of Approval
2- Spacing Stip

T4S R5W

T4S R5W

UTE TRIBAL 11-4-55



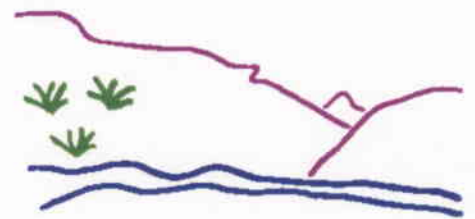
OPERATOR: BERRY PETRO CO (N2480)

SEC: 4 T. 5S R. 5W

FIELD: WILDCAT (001)

COUNTY: DUCHESNE

SPACING: R649-3-2 / GENERAL SITING



Utah Oil Gas and Mining

Wells

- ✂ GAS INJECTION
- GAS STORAGE
- × LOCATION ABANDONED
- ⊕ NEW LOCATION
- ⊕ PLUGGED & ABANDONED
- ✱ PRODUCING GAS
- PRODUCING OIL
- SHUT-IN GAS
- SHUT-IN OIL
- × TEMP. ABANDONED
- TEST WELL
- ▲ WATER INJECTION
- ◆ WATER SUPPLY
- ♠ WATER DISPOSAL

Units.shp

- EXPLORATORY
- GAS STORAGE
- NF PP OIL
- NF SECONDARY
- PENDING
- PI OIL
- PP GAS
- PP GEOTHERML
- PP OIL
- SECONDARY
- TERMINATED

Fields.shp

- ABANDONED
- ACTIVE
- COMBINED
- INACTIVE
- PROPOSED
- STORAGE
- TERMINATED



PREPARED BY: DIANA WHITNEY
DATE: 10-JUNE-2005

**State of Utah****Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

June 14, 2005

Berry Petroleum Company
Rt. 3, Box 3020
Roosevelt, UT 84066

Re: Ute Tribal 11-4-55 Well, 2003' FSL, 1814' FWL, NE SW, Sec. 4, T. 5 South,
R. 5 West, Duchesne County, Utah

Gentlemen:

Pursuant to the provisions and requirements of Utah Code Ann. § 40-6-1 *et seq.*, Utah Administrative Code R649-3-1 *et seq.*, and the attached Conditions of Approval, approval to drill the referenced well is granted.

This approval shall expire one year from the above date unless substantial and continuous operation is underway, or a request for extension is made prior to the expiration date. The API identification number assigned to this well is 43-013-32799.

Sincerely,

A handwritten signature in black ink, appearing to read "Gil Hunt".

Gil Hunt
Acting Associate Director

pab
Enclosures

cc: Duchesne County Assessor
Bureau of Land Management, Vernal District Office

Operator: Berry Petroleum Company
Well Name & Number Ute Tribal 11-4-55
API Number: 43-013-32799
Lease: 14-20-H62-4778

Location: NE SW **Sec.** 4 **T.** 5 South **R.** 5 West

Conditions of Approval

1. General

Compliance with the requirements of Utah Admin. R. 649-1 *et seq.*, the Oil and Gas Conservation General Rules, and the applicable terms and provisions of the approved Application for permit to drill.

2. Notification Requirements

Notify the Division within 24 hours of spudding the well.

- Contact Carol Daniels at (801) 538-5284.

Notify the Division prior to commencing operations to plug and abandon the well.

- Contact Dan Jarvis at (801) 538-5338

3. Reporting Requirements

All required reports, forms and submittals will be promptly filed with the Division, including but not limited to the Entity Action Form (Form 6), Report of Water Encountered During Drilling (Form 7), Weekly Progress Reports for drilling and completion operations, and Sundry Notices and Reports on Wells requesting approval of change of plans or other operational actions.

4. State approval of this well does not supersede the required federal approval, which must be obtained prior to drilling.

5. This proposed well is located in an area for which drilling units (well spacing patterns) have not been established through an order of the Board of Oil, Gas and Mining (the "Board"). In order to avoid the possibility of waste or injury to correlative rights, the operator is requested, once the well has been drilled, completed, and has produced, to analyze geological and engineering data generated therefrom, as well as any similar data from surrounding areas if available. As soon as is practicable after completion of its analysis, and if the analysis suggests an area larger than the quarter-quarter section upon which the well is located is being drained, the operator is requested to seek an appropriate order from the Board establishing drilling and spacing units in conformance with such analysis by filing a Request for Agency Action with the Board.

MAY 27 2005

FORM APPROVED
OMB No. 1004-0137
Expires March 31, 2007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

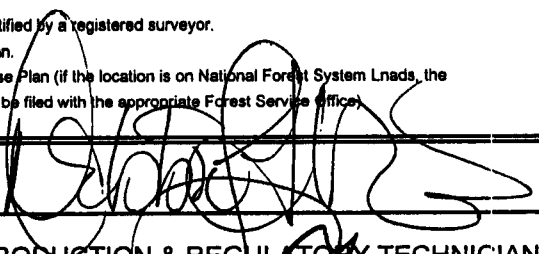
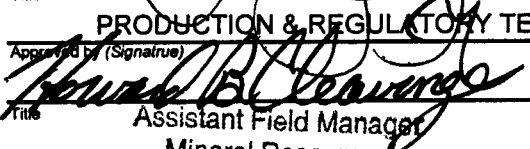
APPLICATION FOR PERMIT TO DRILL OR REENTER

1a. TYPE OF WORK <input checked="" type="checkbox"/> DRILL <input type="checkbox"/> REENTER		5. Lease Serial No. 14-20-H62-4778 (E&D)
1b. Type of Well: <input checked="" type="checkbox"/> Oil well <input type="checkbox"/> Gas well <input type="checkbox"/> Other <input checked="" type="checkbox"/> Single zone <input type="checkbox"/> Multiple zone		6. If Indian, Allottee or Tribe Name UTE
2. Name of Operator BERRY PETROLEUM COMPANY		7. Unit or CA Agreement, Name and No.
3a. Address 3846 SOUTH HWY 40 RT. 2 BOX 7735, ROOSEVELT, UT. 84066	3b. Phone No. (include area code) (435) 722-1325	8. Lease Name and Well No. UTE TRIBAL 11-4-55
4. Location of Well (Report location clearly and in accordance with any State requirements.) At surface (NE/SW) 2003' FSL, 1814' FWL At proposed prod. zone SAME AS ABOVE		9. API Well No. 43.013.32799
10. Field and Pool, or Exploratory WILDCAT		11. Sec., T. R. M. or BLK. and Survey or Area SEC. 4, T.5S., R.5W. U.S.B.&M.
14. Distance in miles and direction from nearest town or post office* 39.3 MILES FROM MYTON, UTAH		12. County or Parrish DUCHESNE
15. Distance from proposed* location to nearest property of lease line, ft. (Also to nearest drg. Unit line, if any) 1814'		13. State UTAH
16. No. of acres in lease 640		17. Spacing Unit dedicated to this well 40
18. Distance from proposed* to nearest well, drilling, completed, applied for, on this lease, ft. N/A		19. Proposed Depth 6355'
20. BLM/BIA Bond No. on file UTB000035 / RLB0005750		21. Elevations (Show whether DF, KDB, RT, GR, etc.) 6917' GR
22. Approximate date work will start* REFER TO BPC SOP PLAN		23. Estimated duration REFER TO BPC SOP PLAN

24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No. 1, shall be attached to this form:

1. Well plat certified by a registered surveyor.
2. A Drilling Plan.
3. A Surface Use Plan (if the location is on National Forest System Lands, the SUPO shall be filed with the appropriate Forest Service office).
4. Bond to cover the operations unless covered by an existing bond on file (see item 20 above).
5. Operator certification.
6. Such other site specific information and/or plans as may be required by the authorized officer.

25. Signature 	Name (Printed/Typed) DEBBIE L. WISENER	Date 08/05/05
Title PRODUCTION & REGULATORY TECHNICIAN		
Approved by (Signature) 	Name (Printed/Typed)	Date 08/18/2005
Title Assistant Field Manager Mineral Resources		

Application approval does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Conditions of approval, if any, are attached.

CONDITIONS OF APPROVAL ATTACHED

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

*(Instructions on page 2)

NOTICE OF APPROVAL

RECEIVED

AUG 22 2005

DIV. OF OIL, GAS & MINING

UDOGM

CONDITIONS OF APPROVAL
APPLICATION FOR PERMIT TO DRILL

Company/Operator: Berry Petroleum Company

Well Name & Number: Ute Tribal 11-4-55

API Number: 43-013-32799

Lease Number: N/A

Location: NESW, Sec. 4, T. 5S, R. 5W

Agreement: 14-20-H62-4778 E&D

For more specific details on notification requirements, please check the Conditions of Approval for Notice to Drill and Surface Use Program.

SURFACE USE PROGRAM
CONDITIONS OF APPROVAL (COAs)

Berry Petroleum Company (Berry) will assure the Ute Tribe that any/all contractors and subcontractors have acquired a current Tribal Business License and have updated "Access Permits" prior to construction. All Berry personnel, contractors and subcontractors will have these permits in their vehicles at all times. Companies that have not complied with this COA will be in violation of the Ute Tribal Business License Ordinance, and will be subject to fines and penalties.

Berry employees, representatives, and/or authorized personnel (subcontractors) shall not carry firearms on their person or in their vehicles while working on the Uintah & Ouray Indian Reservation.

Berry employees and/or authorized personnel (subcontractors) in the field will have approved applicable APDs and/or ROW permits/authorizations on their person(s) during all phases of construction.

Berry will notify the Ute Tribe and Bureau of Indian Affairs (BIA) in writing of any requested modification of APDs or Rights-Of-Way (ROW). Berry shall receive written notification of authorization or denial of the requested modification. Without authorization, Berry will be subject to fines and penalties.

The Ute Tribe Energy & Minerals Department shall be notified in writing 48 hours in advance of any construction activity. The Ute Tribal office is open Monday through Thursday. A Tribal

Technician is to routinely monitor construction. Berry shall make arrangements with the Ute Energy & Minerals Department for all monitoring that will exceed regular working hours for Tribal Technicians. A qualified Archaeologist accompanied by a Tribal Technician will monitor any trenching construction involved in the pipeline construction. Berry is to inform the contractors to maintain construction of the pipelines within the approved ROW.

A corridor ROW, 30 feet wide and 13,019 feet long, shall be granted for the pipeline and for the new access road. The constructed travel width of the new access road shall be limited to 18 feet. Upon authorization by the Ute Tribe Energy & Minerals Department, the ROW may be wider where sharp curves, deep cuts and fills occur; or, where intersections with other roads are required. (Total ROW acreage for pad and corridor on Ute Tribal Lands is 10.96 Acres.) Another 18,162 feet of corridor is planned on UDWR lands, utilizing and maintaining existing roads and placing pipelines adjacent to those roads. This UDWR corridor would affect about 12.51 acres.

Culverts and diversion ditches will be placed and constructed where needed.

Upon completion of the pertinent APD and ROW construction, Berry will notify the Ute Tribe Energy & Minerals Department for a Tribal Technician to verify the Affidavit of Completion.

Production waters, oil, and other byproducts shall not be placed on access roads or the well pad.

All vehicular traffic, personnel movement, construction and restoration operations will be confined to the areas examined and approved and to the existing roadways and/or evaluated access routes.

Berry will implement "Safety and Emergency Plan" and ensure plan compliance.

Berry shall stop construction activities and notify personnel from the Ute Tribe Energy & Minerals Department and BIA if cultural remains including paleontology resources (vertebrate fossils) are exposed or identified during construction. The Ute Tribe Department of Cultural Rights and Protection and the BIA will provide mitigation measures prior to allowing construction.

Berry employees and/or authorized personnel (subcontractors) will not be allowed to collect artifacts and paleontology fossils. No significant cultural resources shall be disturbed.

Berry will control noxious weeds on the well site and ROWs. Berry will be responsible for noxious weed control if weeds spread from the project area onto adjoining land.

Reserve pits will be lined with an impervious synthetic liner. A fence will be constructed around the reserve pit until it is backfilled. Prior to backfilling the reserve pit, all fluids will be pumped from the pit into trucks and hauled to approved disposal sites or shall be used to drill other wells. When the reserve pits are backfilled, the pit liner remnants, the surplus oil and mud, etc., will be buried a minimum of 3.0 feet below the surface of the soil.

A closed system will be used during production. This means that production fluids will be contained in leak-proof tanks. All production fluids will be disposed of at approved disposal sites.

Surface pipelines will be constructed to lay on the soil surface. The pipeline ROW will not be bladed or cleared of vegetation without authorization of the BIA. Surface pipelines shall be welded in place at well sites or on access roads and on other existing roads then pulled into place with suitable equipment. The pipeline portion of the ROW will not be bladed or cleared of vegetation without authorization of the BIA.

Buried pipelines shall be buried a minimum of 3 feet below the soil surface. After construction is completed the disturbed area shall be contoured to blend into the natural landscape and be reseeded between September 15 and November 1 of the year following construction with perennial vegetation seed mixture provided by the BIA or Ute Tribe.

Before the site is abandoned, Berry will be required to restore the well site and ROWs to near their original state. The disturbed areas will be reseeded with desirable perennial vegetation.

Soil erosion will be mitigated, by reseeding all areas of disturbance.

In the event after-hours approvals are necessary, you must contact one of the following individuals:

Matt Baker (435) 828-4470
Petroleum Engineer

Michael Lee (435) 828-7875
Petroleum Engineer

BLM FAX Machine (435) 781-4410

EPA'S LIST OF NONEXEMPT EXPLORATION AND PRODUCTION WASTES

While the following wastes are nonexempt, they are not necessarily hazardous.

Unused fracturing fluids or acids

Gas plant cooling tower cleaning wastes

Painting wastes

Oil and gas service company wastes, such as empty drums, drum rinsate, vacuum truck rinsate, sandblast media, painting wastes, spent solvents, spilled chemicals, and waste acids

Vacuum truck and drum rinsate from trucks and drums, transporting or containing nonexempt waste

Refinery wastes

Liquid and solid wastes generated by crude oil and tank bottom reclaimers

Used equipment lubrication oils

Waste compressor oil, filters, and blowdown

Used hydraulic fluids

Waste solvents

Waste in transportation pipeline-related pits

Caustic or acid cleaners

Boiler cleaning wastes

Boiler refractory bricks

Incinerator ash

Laboratory wastes

Sanitary wastes

Pesticide wastes

Radioactive tracer wastes

Drums, insulation and miscellaneous solids



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

October 2, 2006

Debbie Wisener
Berry Petroleum Company
RT. 2 Box 7735
Roosevelt, UT 84066

Re: APD Rescinded -Ute Tribal 11-4-55 Sec. 4 T. 5S R. 5W
Duchesne County, Utah API No. 43-013-32799

Dear Ms. Wisener:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on June 14, 2005. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective October 2, 2006.

A new APD must be filed with this office for approval prior to the commencement of any future work on the subject location.

If any previously unreported operations have been performed on this well location, it is imperative that you notify the Division immediately.

Sincerely,

Diana Whitney
Engineering Technician

cc: Well File
Bureau of Land Management, Vernal



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078
(435) 781-4400 Fax: (435) 781-4410
<http://www.blm.gov/utah/vernal>



IN REPLY REFER TO:
3160
UT08300

October 5, 2006

43-013-32749

Debbie Wisener
Berry Petroleum Company
Route 3 Box 3020
Roosevelt, Utah 84066

Re: Notification of Expiration
Well No. Ute Tribal 11-4-55
NESW, Section 4, T5S, R5W
Duchesne County, Utah
E&D No. 14-20-H62-4778

Dear Ms. Wisener:

The Application for Permit to Drill the above-referenced well was approved on August 18, 2005. Since that date no known activity has transpired at the approved location. Applications for Permit to Drill are effective for a period of one year. In view of the foregoing, this office is notifying you that the approval of the referenced application has expired. If you intend to drill at this location at a future date, a new Application for Permit to Drill must be submitted.

This office requires a letter confirming that no surface disturbance has been made for this drill site. Any surface disturbance associated with the approved location of this well is to be rehabilitated. A schedule for this rehabilitation must be submitted to this office. Your cooperation in this matter is appreciated.

Sincerely,

/s/ Sandra Sather

Sandra Sather
Land Law Examiner

cc: **UDOGM**
BIA
Ute Tribe

bcc: Well File
Reading File

U-922
ES

RECEIVED

OCT 23 2006

DIV. OF OIL, GAS & MINING